

Town of East Hampton
Zoning Board of Appeals
300 Pantigo Road, East Hampton, NY 11937



APPROVED MINUTES OF MEETING

Date: January 5th 2016
Time Started: 6:30 p.m.

Members Present:

John P. Whelan, Chairman
Cate Rogers, Vice Chair
David Lys, Member
Lee White, Member
Roy Dalene, Member

Also Present:

Denise Savarese, Legislative Secretary
Elizabeth Baldwin, Counsel to the Board

Public Hearing:

Michael and Sharon Zambrelli – SCTM # 300-197-7-1.29 – 18 Merriwood Drive, East Hampton – Project description is to allow an existing 187 sq. ft. car port to remain within front yard lot line setbacks.

Chairman Whelan read the Notice of Public Hearing into the record. Chairman Whelan conducted a field inspection and reported his findings to the Board. Counsel Baldwin noted that the Affidavit of Service & Posting is in order.

John Tarbet, Attorney, appearing on behalf of the applicant, noted that the carport was cited by Code Enforcement since it was constructed without a permit. The applicant is asking to keep it in its present location since it is innocuous, not a detriment to the community and cannot be seen from the road.

Jordy Mark, adjacent property owner immediately to the east, expressed concern that if it is approved at a later date can it be improved with solid walls, have a door, be enlarged or expanded. Ms. Mark also expressed concern about setting a precedent in the neighborhood.

James Duryea, speaking on behalf of the Planning Department, referred to an aerial and did note that a conforming location does exist on the property.

Chairman Whelan made a motion to close the Public Hearing. Vice Chair Rogers seconded. All members were in favor.

Public Hearing:

David Peskin – SCTM# 300-176-7-17 – 85 Hampton Lane, Amagansett – Project description is to construct a 383.5 sq. ft. first floor addition to the south, a 133.5 sq. ft. first floor addition to the northwest, a 450 sq. ft. swimming pool with 705 sq. ft. of decking, build a 383.5 sq. ft. roof deck above the 1st floor south addition and install a new sanitary system on a parcel of land containing a dune and beach vegetation.

Chairman Whelan read the Notice of Public Hearing into the record. Member Lys conducted a field inspection and reported his findings to the Board. Counsel Baldwin noted that the Affidavit of Service & Posting is in order.

Laurie Wiltshire, Agent for the applicant, stated the construction is modest and every effort has been made to ameliorate any affects to the dune feature and dune vegetation. The proposed work also remains well within lot coverage and total lot coverage limits. The proposed swimming pool is small and will sit 4.8 ft. above

groundwater. The upgraded sanitary system will be constructed in an already disturbed area.

James Duryea, speaking on behalf of the Planning Department, noted his concerns include no construction protocol or revegetation plan for the project have been submitted for review.

Member Lys made a motion to close the Public Hearing and leave the written record open until February 2nd for the submission of Construction Protocol, updated survey and cross section of pool. Member White seconded. All members were in favor.

349 Promised Land Road, LLC – SCTM# 300-128-1-21.1 – 349 Cranberry Hole Road, Amagansett – Project description is To construct an approximately 110 linear foot beach walkway, an approximately 1,400 sq. ft. driveway addition and relocation, to construct an approximately 172 sq. ft. entry deck, stairs, and pavers within jurisdiction of dune crest and tidal wetlands, and to clear approximately 1,345 sq. ft. of dune vegetation.

Chairman Whelan read the Notice of Public Hearing into the record. Member Lys conducted a field inspection and reported his findings to the Board. Counsel Baldwin noted that the Affidavit of Service & Posting is in order.

John Tarbet, Attorney appearing on behalf of the applicant, noted he is confined to a wheel chair and would like to have access to the beach. There will be no interference with dune grass and walkways to the beach are often requested. The applicant does have a DEC Permit for the walkway.

Ulises Liceaga, son in law to the applicant, addressed the issue of the 1400 sq. ft. driveway which was put in on the advice of counsel. Mr. Liceaga is more than happy to take into consideration any recommendations the Board may have. Applicant is amenable to using already disturbed areas for the stairs.

Tyler Borsack, speaking on behalf of the Planning Department, referred to the Environmental Assessment Form and discussed a less intrusive stairway, walkway and ramp.

Member Lys made a motion to close the Public Hearing and left the record open until February 12th for the submission of scaleable plans for new ramp and DEC permit. Member White seconded. All members were in favor.

Anita Gratwick & Thomas Hayes – SCTM# 300-201-1-5 – 31 Association Road, Wainscott – Project description is to demolish a one-story residence and construct a new 3,976 sq. ft. two-story residence, sanitary system, and swimming pool with approximately 1,616 sq. ft. of decking and patio on a parcel of land containing wetlands and surface waters.

Chairman Whelan read the Notice of Public Hearing into the record. Chairman Whelan conducted a field inspection and reported his findings to the Board. Counsel Baldwin noted that the Affidavit of Service & Posting is in order.

Jeffrey Bragman, appearing on behalf of the applicant, gave background history, noting how the applicant has worked closely with the Planning Department throughout the process. Also addressed the location of the septic system, and lack of cooperation on the part of the neighbor. Mr. Bragman referred to the general standards for a Natural Resources Special Permit and noted that his client is in agreement with all the mitigation recommended by the Planning Department.

Chris Kelley, appearing on behalf of the neighbor, submitted a Memorandum of Law into the record which is contained in the Board's files.

Brian Frank, Chief Environmental Analyst for the Planning Department addressed the history of the property, gave analysis and made recommendations to the Board. He noted the wetlands are contiguous with Georgica Pond, and that the septic system should be located 200 ft. from surface waters.

Richard Warren, Agent from Inter-Science, appearing on behalf of the applicant, addressed the issue of vegetation, buffering, septic system, and the project meeting FEMA requirements. Mr. Warren noted that there is hope that applicant and neighbor can come to an amicable agreement.

Chairman Whelan made a motion to close the Public Hearing and leave the record open until January 19th 2016 for the applicants, and agents for additional discussion on alternatives.

Work Session:

Montauk Yacht Club: Chairman Whelan made a motion to make a Negative Declaration pursuant to SEQRA. Member White seconded. All members were in favor.

Extensions of Time:

Steve Graboski – SCTM# 300-106-01-29.4 – 50 Bayview Avenue, Amagansett
Member Lys made a motion to approve the Extension of Time. Member White seconded. All members were in favor.

Michael Meotti – SCTM# 300-51-3-6 – 91 Surfside Avenue, Montauk – Member White made a motion to approve the Extension of Time. Member Lys seconded. All members were in favor.

Kenneth and Judith Reiss – SCTM# 300-024-07-31 – 18 Driftwood Lane, Springs – Vice Chair Rogers made a motion to approve the Extension of Time. Chairman Whelan seconded. All members were in favor.

Terry Wallace – SCTM# 300-93-5-2 – 2 South Pond Road, East Hampton – Member Dalene made a motion to approve the Extension of Time. Vice Chair Rogers seconded. All members were in favor.

Tabled Board Decisions:

Noelle & Thomas Twiggs – SCTM# 300-28-4-26 – 85 South Edgemere Street, Montauk – letter received from Biondo & Hammer

Possible Administrative Review:

Ira Barocas – SCTM# 300-59-1-11 – 16 Babes Lane, Springs – To construct a 2,132 sq. ft. two story addition, an approximately 98 sq. ft. addition, and 909 sq. ft. of decks, steps, porch and balconies and a new sanitary system on a parcel of land within wetland jurisdiction. Vice Chair Rogers made a motion to approve the application going Administratively. Member Lys seconded. All members were in favor.

Board Decision – Variance without a Hearing:

Paul Dornhofer – SCTM# 300-146-5-12 – 21 Middle Highway, East Hampton – Swimming Pool – Member Lys made a motion to approve the application. Member White seconded. Chairman Whelan and Vice Chair Rogers were in favor. Member Dalene abstained.

Minutes:

Vice Chair Rogers made a motion to approve the Minutes of December 1st 2015 and December 8th 2015. Member Lys seconded. Chairman Whelan and Member White were in favor. Member Dalene abstained.

Resolutions:

Motions were passed and carried for the following Resolutions – Member Dalene abstained on all the Resolutions – not a member of the Board at the time the Public Hearings were heard.

R & J East Lake Properties LLC – SCTM# 300-6-2-16 & 25

Kevin Oram and Iliana Pappas – SCTM# 300-176-5-18.1

Ocean Colony Beach and Tennis Resort – SCTM# 300-130-2-7.4

Michel & Walter Wirth – SCTM# 300-147-7-28

George A. Geyer & Emilia Fazzalari – SCTM# 300-175-7-17

Adjourn:

Member Lys made a motion to adjourn. Vice Chair Rogers seconded. All members were in favor.

John P. Whelan, Chairman
Zoning Board of Appeals